App. F. IX-4

Previous References

1931.
(Imperial)

File No. 126-1931

Serial Nos. 1–4

Later References

Mys Dep 284 of 35
272–37

General and Revenue Secretariat.

Serial Nos. 4.

Part B for May 1932.

SUBJECT:

Appl. re Chair- manship of Boobook Makkan Veda Vinayanahalli Hoskote Tk.

General and Revenue Secretariat — Mez. File No. 126 of 1931-2

Serial No.	
1	Petition dt 18.11.31 filed by Messrs K.T. Bhashyam Ayyangar & M. Seshadri Advocates Bangalore City on behalf of Ahamed Khan Son of Shamsood in Khan No 7/8 old Madras road Ulsoor Cantt Station Bangalore appealing against the order of the Mysore Commissioner in the matter of his claim to the Management of Boobobi Makkan at Siddapparahalli Hosakote Taluk The appeal presented is in time & the petition is sufficiently stamped. O/R calling for records is put up for orders GS MGL 25/11. Issue 25.11.31
2	No 767 & 2614/31 from Mysore Commissioner Calling for a report together with connected Records relating to the petition (copy) herein Letter No C 604/31-32 & 26/2/32 from the Mysore Commissioner submitting records relating to the Mysore appeal Case The facts of the case are as set forth in the preamble of the M.S decision in Mysore appl No 27 of 30-31

G SECTION
25 NOV. 1931
& PE SEC

NOTE—Contn Sheet. K.

WD 70—GBI'M—60,000—13-8-31

2) Appeal relating to the management of Boo Boobi Mallikarjuna Siddalingaswamy Hosakeri Temple

File No. 126 of 1931. | General and Revenu Secretariat

S.D.O's decision of 21.1.30 is flagged A.

The D.C's decision of 20/12/30 is flagged B

Notes are solicited as to the date on which the case may be posted for a hearing

C.S. M.S.K. 11/2

The facts of the case are fully set forth in M.C's order of 4.10.31 in Appeal 27 of 30-31. (Flag C)

The Amildar's report of 3.12.29 on which the S.D.O. has passed order Flag D) of 21.1.30 is clear & exhaustive. So also the S.D.O's order passed after ~~hearing~~ making detailed enquiries on the spot ~~of the time of~~ personal inspection.

The main grounds now urged ~~in appeal~~ are (1) that the S.D.O. did not give notice to the appellant & parties & hold a formal enquiry and (2) that the Chief Amildar's order is neither relevant nor decisive.

As regards (1) it is no doubt true that the S.D.O has not issued notice to the appellant and heard him before passing orders. ~~The S.D.O has not issued notice to the appellant and heard him before passing orders.~~ But this defect has been cured by the D.C's ~~he~~ having issued notice to the parties fixing the case for hearing on 6.5.30. The appellant (Flag F) cannot deny it as he has himself filed a Vakil of C. f. Shanker on 23.4.30 and noted on the application — Vakil for hearing 6-5-30. (Flag G)

Mtg Appl 90 of 31-82 re law of Boobooli matters - Hostile w

[App. F. III—2

General and Revenue Secretariat | Mtg File No. | of 193 |.

Serial No.

5605

7040
8/D

~~At Hon~~ The D.C. then heard Mr Iqbal for Mr U. T. Bhadyun Jugoo for the petrs & Mr D. Ramsahok for the Counter-petrs, perused the records and dismissed the petn (Vide Flag J).

As regards (2) the argument that the Chief Commrs order is neither relevant nor decisive cannot be accepted now. If the pars felt aggrieved by the order of the Ch. Commr, ~~it~~ it was open to him at the time to have resorted to the Civil Court and established his claim as per direction contained in that order (Flag Y) the pars having failed to take action as suggested then, Becho ~~Gho~~ cannot after half a century after expecting a summary order against the Respondents.

Orders are solicited about the date of hearing of the case.

For Secy)

1st member) 18/3/82

8/3 — 8/19/3

May be included in the list of cases to be taken up on the next hearing

Mtg 23/3/82

23/3/82

NOTE—Contn Sheet.

2566

This case was heard on 25th April 1932.

Mr. Seshadri appeared for the Appellant and neither the Respondents nor any lawyer on their behalf were present.

There are no reasons to intertere with the orders passed by the Muzrai Commissioner and the appeal is rejected.

25/4/32

26/4

26th Subd. As none of the respondents were present & as no advocate represented any of them, perhaps CS/sg of the decision need not go to them - This is for Appl & orders -

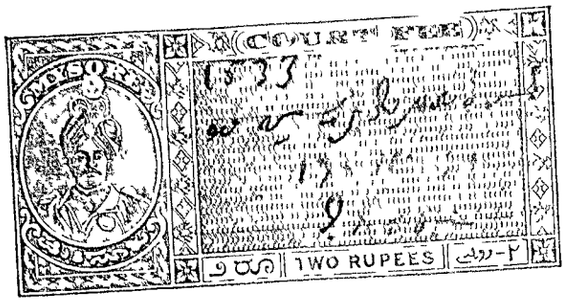
Dayre 27/4/32

GS Recd 26/4

27/4/32

No 1582 & 3-5-32 to the Muzrai Commissioner intimating the decision in the appeal case and returning the records received from him Memo No 1583 & 3-5-32 to Mr. Seshadri Advocate Cocanpet Bangalore City forwarding CS/sg of decision in the appeal case -

B 11/5



Muz Appl 9 of 31-32

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Muzarai Appeal No. 9 of 31-32.

Appellant:- AHAMED KHAN, son of Shamsuddin Khan, residing in Nos.7-8, Old Madras - Road, Ulsoor, Civil and Military Station, BANGALORE.

-Vs-

Respondents:- 1. USMAN KHAN, } both residing in
2. RAJA KHAN, }
GIDDAPPANAHALLI, Hoskote Taluk.

UNDER SECTION 22 OF THE MYSORE MUZRAI REGN.

The appellant, abovenamed, begs to appeal from the order of the Muzrai Commissioner in - Muzrai Appeal No.27 of 1930-31 and sets forth the following:-

GROUNDS OF APPEAL.

1. That the Trial Court not having examined the appellant or any witnesses, it had failed to - enquire into the appellant's claim as required by law, and the Lower Courts have erred in not -- considering this aspect of the case and the ground of appeal based thereon.

2. That

2. That the Trial Court not having scrut nised all the documents available on the subjec. matter of appellant's claim, it had failed to exercise a jurisdiction vested in it by law resulting thereby in a miscarriage of justice; and the learned Muzrai Commissioner has erred in not considering this aspect of the case and the ground of appeal based thereon.

3. That the Learned Sub-Division Officer ought to have given notice to the appellant and parties and held at least a formal, if not a - judicial, enquiry into the merits of the appellant claim. He erred in not doing so, and the learned Muzrai Commissioner has ignored this irregularity which vitiates the decision.

4. That the Orders of the Lower Courts are based on no evidence or enquiry and are not sustainable either on facts or in law.

5. That the Order of the Chief Commissioner is neither relevant nor decisive, inasmuch as the appellant's contention is that he has been in - possession of the office through his servants - and the only question to be enquired into and - decided was whether or not appellant was in possession of the office.

6. That the appellant's contention was - that respondents' ancestors had entered into - karars with his own ancestors recognising themselves as only Nowkaridars and that, therefore, respondents were estopped from claiming the right to the office in themselves.

7. That

7. That the learned Muzrai Commissioner erred in observing that the respondent's right has been affirmed in Civil Court since there - was no evidence about it, much less tested and trustworthy evidence.

8. That the questions of fact regarding estoppel, actual possession, etc., demanded an enquiry and evidence, and the Lower Courts erred in ignoring them altogether.

9. That the decision of the Lower Courts is otherwise erroneous and unsustainable.

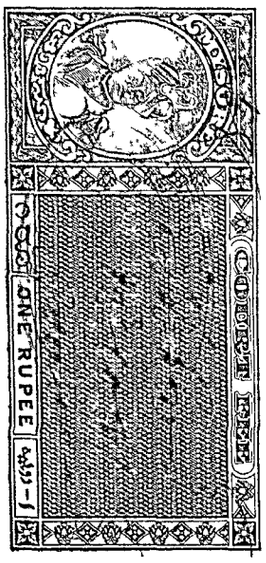
The appellant, therefore, humbly prays that the case may be directed to be enquired into in accordance with Law and appellant declared - Manager of the Makkan.

BANGALORE,
19. 11. 31.

ADVOCATE FOR APPELLANT.

In the Court of the Muzrai Commissioner in Mysore Bangalore

Muzrai Appeal No. 27 of 30-31.



Appellant-
Ahmed Khan Son of Shamsuddin Khan of Hyderabad

Respondent (1) Usman Khan
(2) Raja Khan.

Appeal against the order of the Deputy Commissioner Bangalore District refusing to recognise appellants' claim to the managership of Boobobi makkan at Giddappanahalli, Hoskote Taluk.

Facts of the case

Boobobi Makkan at Giddappanahalli is a Muzrai Institution endowed with inam lands for its maintenance. Its original manager Binam Khan said to be the ancestor of the appellant built the makkan and its management was subsequently entrusted to the Gumasthas. The descendants of these latter are said to have managed the properties on behalf of the appellant's ancestors and ~~executed~~ executed a deed re-knowledging their position as Gumasthas during appellant's grand-father's time that the representatives of one of these Zawar Khan have recognised the appellant's claim for managership but those of Havaldar Khan have refused to do so. The appellant requested in his petition to Deputy Commissi

that these tatten may be evicted from the makkam and its inam lands and that its endowments may be restored to him. The petition was forwarded ordisposal to Sub Division officer who after necessary enquiry and spot inspection came to the conclusion that the petitioner's representation ofmismanagement of the makkam was entirely false; that the institution was maintained in the best condition that the makkandars were attending to daily Fateha and Conducting the 'Nes' that the present makkandars were the direct descendants of old makkandars - Kalusab Nabisab on whom the managership was conferred in the year 1877 at the time of the Inam Settlement; that the Thakrans of petitioner's ancestors were settled at that time and they were directed to go to the Civil Court to establish their claims, if any, that this order was reaffirmed again in 1892 + that the present petitioner is coveting possession of Inam lands and has commenced agitation afresh after 40 years. The Sub Division Officer further observed that petitioner's claim for inam lands was farfetched that he had no manner of claim to the management of the institution and to inam lands and rejected the claim preferred by Ahmed Khan.

On 5-2-30 the petitioner called to the Deputy Commissioner who ordered that as the Chief Commissioner had so far back as 1877 directed the party whose interests were affected by entries made in the Inam Settlement Register to seek remedy in a Civil Court and that as the petitioner and his ancestors had slept over their right, the question could not be reopened after lapse of half a century. Hence the present appeal

The grounds of appeal are (1) That the Chief Commissioner's order was neither relevant nor decisive and the only question whether or not appellant was not in possession of management (through his servants) was not enquired into (2) That respondent's ancestors had entered into a "Karar" with his own ancestors recognising themselves as "Nowkardars" and hence they were estopped from claiming the right to office in themselves + (3) That the trial Court failed to examine appellant's witnesses and to enquire into his claim and to scrutinise all documents available on the subject and that the Deputy Commissioner's orders are not based on evidence or enquiry

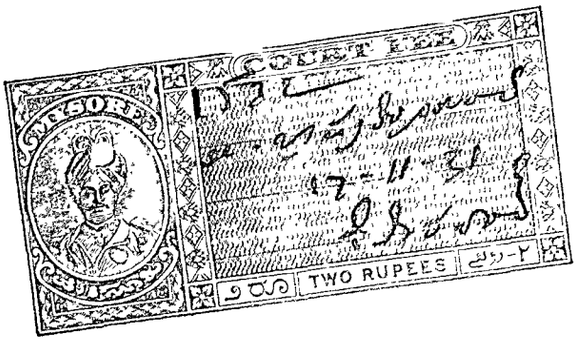
Heard the appellants' Counsel and the respondents on 17-9-31

Order Appeal 27 dated 4-10-31
30-31

The order of the Chief Commissioner dated 12th June 1877 really concludes the matter The management of the institution was thereby directed to be given to the individuals then in immediate possession and all other claimants ~~to be~~ referred to the Civil Court. The respondents have been holding charge of the makkan as the descendants of the persons whose title was confirmed by the Chief Commissioner and the petitioner as an outsider cannot ask this office to intervene on his behalf. Even if he had a good case - which I believe he has not. Some litigation in the Civil Court has also taken place and the respondent's right has been affirmed It is also clear from the Sub Division officers report that the respondents are keeping the institution in a satisfactory condition. The appeal therefore must and is hereby dismissed

Sd/ S. Hiriannaya
Muzrai Commissioner

Copy applied for by Dr. Ahmed Khan on 10.10.31
Copy ready on 13.10.31 " Copy."
Copy delivered on 13-10-31
No. of words 620/- D. Venkatalingiah
Copying fee 0-14-0
Comparing fee 0-2-4 Manager.
Total 1-0-4 Muz: Com's Office
Copied by S. Jayarama Rao 13/10/31
Compared by M Ramadevaya



Before the Commissioner of Kolar Gold Fields.
The Maharaja of Mysore Bangalore.

1931 ....1932 ನೇ ಇಸ್ವಿ Mysore ನಂಬರು

Appellant. Respondent.

Ahamed Khan

Vs.

Hasan Khan

Raja Khan

ಮ|| ರಾ|| ಕೆ. ಟಿ. ಭಾಷ್ಯಂ ಆಯ್ಯಂಗಾರ್, ಬಿ. ಎ, ಬಿ. ಎಲ್., ಅಡ್ವೊಕೇಟ್ ರವರಿಗೆ:—
M. Sankandi Esq. B.A.L.L.B.

ಅಪೀಲುದಾರ, ಪರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೂ, ರಾಜಿ ವಗೈರೆ ಪೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಗೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗೂ, ಸಿಲ್ಕು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತ್ಯೆವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಒಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದುಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ

Abil

ಈ ಮೊಕ್ತಾರುನಾಮ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ

ಅಡ್ವೊಕೇಟ್.

ಅಡ್ವೊಕೇಟ್ for Appellant

ಎಸ್. ಎಂ. ಯಜಮಾನ್ ಅಂಡ್ ಸನ್, ಬೆಂಗಳೂರು ಸಿಟ್ಟಿ.

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

767 m petn with 3 enclosures

OFFICIAL MEMORANDUM.

28/12/31

No.....

To be obliged returned.

Appeal No 90 31-32

The accompanying Petition Registered No.... 511 ..... dated 18/11/31 received at the General and Revenue Secretariat from A. Hamed Khan - Son of Khan Sahib Khan No. 7/8. old Madras Road Ulsoor. Cant. Station B. Lore appealing against the decision of the M.C in the matter of his claim for the Municipality of Rooboobi Makkan at Siddapura - Kolli Hoskote Taluk

is forwarded, ~~together~~ with ~~its enclosures~~ to the M.C

a report with ~~enclosures~~ for submission of records case stated to the appeal -

By Order,

25.11.

for Secretary.

BANGALORE,

25/11/19 31

[P. T. O.

WD 02048 -GPB—3750—8 8-28

ಅರ್ಜಿದಾರ..... .....ತಾಲ್ಲೂಕು

.....ಹೋಬಳಿ

....ಗ್ರಾಮದಲ್ಲಿರುವ

.....ಗೆ

ಇಂಡಾರ್ಸ್ಸಿ ಹುಕುಂ.

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕೊಂಡ .....

ನೊಕ್ಕಾಮಿನ ಅರ್ಜಿಯನ್ನು..... .....ಬಗ್ಗೆ

....

.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

ಬೆಂಗಳೂ

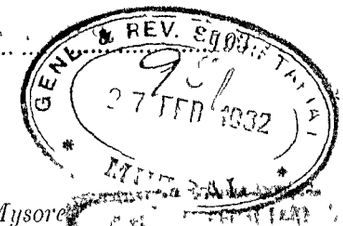
By Order,

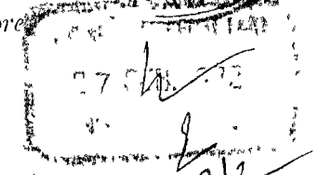
Secretary.

No. S.604/21-32 — Three Files (this office file No. 27/30-31 also other papers)

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 26 Dec 1931





FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore

To

Rajaseranada, Rao
B. Srinivasa Iyengar, Bs.c., B.L., etc.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Financial Department.

SIR,

With reference to your D.O. No.767/Ann. dated 1931 calling for records connected with the appeal petition [illegible] Amildhan in the matter of his claim to [illegible] Inamdhan at Giddapanahalli, Koskote Taluk, I have the honour to submit herewith the file of records received with the above D.O. letter No.C3 223 of 31-32 dated 19th January 1932 bearing this office file No. Appl.27/30-31.

2. The facts of the case are clearly stated in the [illegible] dated 4th October 1931 in Appl.27/30-31.

3. The appeal petition with its enclosures received [illegible] case under advertance is herewith returned.

S P Rajagopal

Before the Government of His Highness the
Maharaja of Mysore.

Appeal No. 9 of 1931-32

Appellant. *Vs.* Respondents

Hamed Khan
Son of Shamsuddin
Khan - Ulsoor
C.H.C. Station Bangalore.

Usman Khan
Raja Khan
of Giddappanahalli
Hoskote Tk.

Subject.

Appeal against the decision of the H.C. in
Suit 3 appl 27 of 30-31 on the file of his court
regarding the Management of Boobobi
Makkan at Giddappanahalli
Hoskote Tk.

~~order~~.

The case was heard on 25th April 1932.
Mr M. Seshadri appeared for the appellant
and neither the Respondents nor any
~~Advocate~~ Lawyer on their behalf were present.

order

There are no reasons to interfere

GPB—1,000—8-8-11

with the order passed by the M.C. and the appeal is rejected

Memo. no 1553/Mag 9

Copy to Mr. Deshadri Advocate
Counsel for Petr.

A-O
27/4/32

Mr See will
Accepts.

Memo no 1582/Mag/Encl one file By 3.5.32

Copy to M-C ~~Little~~ returning
records received with his letter no
C 604/31-32 of 26/4/32

A-O
27/4/32

Mr See will
Accepts

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MYSORE.

Appeal No. 9 of 1931-1932.

Appellant.

Ahamed Khan, son of
Shamsuddin Khan, Ulsoor,
C.&M. Station, Bangalore

Respondents.

Hanumanthappa, son of Siddappa
of Giddappanahalli,
Hoskote Taluk.

SUBJECT

Appeal against the decision of the Deputy Commissioner in Appeal No.27 of 1930-31 of the Court regarding the managership of Sociedad Giddappanahalli, Hoskote Taluk.

The case was heard on 25th April 1932. M. A. Seshadri appeared for the appellant and neither the Respondents nor any lawyer on their behalf were present.

ORDER

There are no reasons to interfere with the orders passed by the Huzrai Commissioner and the appeal is rejected.

* * * * * *

B. Muddenahalli
Secretary to Government
& Financial Dept

Appeal No. 9 of 1961-1962.

Appellant.

Ahamed Khan, son of
Shamsuddin Khan, Nicoor,
C.A.M. tation, Bangalore

ORDER

Appeal against the decision of
sioner in Appeal No.77 of 1960-61 o
Court regarding the management of Survey No. 41,
Gudappanahalli, Hoskote taluk.

The case was heard on 26th April 1962.
Achauri appeared for the appellant and neither
Respondents nor any lawyer on their behalf were

ORDER

There are no reasons to interfere with the
orders passed by the Mysore Commissioner and
is rejected.

Secretary to Govt
Financial Dept